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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1615 (2005) of 29 July 2005, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2006. It provides an update of the situation in Abkhazia, Georgia, since my report of 13 July 2005 (S/2005/453).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. She was assisted in this task by the Chief Military Observer, Major General Niaz Muhammad Khan Khattak (Pakistan), who arrived at the Mission on 13 August. The strength of UNOMIG at 1 October 2005 stood at 121 military observers and 12 police officers (see annex).

II. Political process

3. Under the leadership of my Special Representative, UNOMIG continued its efforts to promote stability in the conflict zone and to advance the dialogue between the Georgian and Abkhaz sides on political and security matters, the return of internally displaced persons and refugees and economic cooperation, as endorsed by the United Nations-chaired high-level meetings of the Group of Friends in Geneva (see S/2003/412, para. 3). Efforts in these areas, complemented by activities of the working groups established to implement the agreements reached between the Presidents of the Russian Federation and Georgia in Sochi in March 2003 (see S/2003/412, para. 5), seek to address pressing concerns of the parties and in this way to promote confidence between them with the ultimate aim of bringing about negotiations on a comprehensive political settlement of the conflict, using as a starting point the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter (see S/2002/88, para. 3).

4. In pursuance of these goals, my Special Representative continued her regular political and operational contacts with both sides at the highest level. She also met regularly with the Group of Friends, including with the Russian Federation in its capacity as facilitator, in order to maintain their support for the Georgian-Abkhaz peace process. While such meetings took place mostly in Tbilisi, she also met, in

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September, in Moscow with the First Deputy Foreign Minister and Special Representative of the President of the Russian Federation for the Georgian-Abkhaz Settlement, and in Paris with senior German, United Kingdom of Great Britain and Northern Ireland and French representatives. UNOMIG also continued to facilitate visits to the zone of conflict by senior representatives of the Group of Friends, including from France in July, the Tbilisi-based Ambassadors in August and Germany in September.

5. During the reporting period, my Special Representative focused in particular on achieving progress on the question of security guarantees. A planned meeting with the two sides on 22 July had to be postponed because the Abkhaz delegation cancelled its participation in protest over the detention on 3 July of a foreign cargo vessel en route to Sukhumi by the Georgian coast guard for violation of Georgian maritime space. My Special Representative offered her good offices to resolve this issue and following consultations with the two sides, including with President Saakashvili, the cargo was released by the Georgian authorities on 31 July and transported, with assistance from UNOMIG, to Sukhumi.

6. Subsequently, on 4 August, my Special Representative convened the fourth meeting of the Georgian and Abkhaz sides on security guarantees, with the participation of the Group of Friends and the Organization for Security and Cooperation in Europe (OSCE) in Tbilisi. This was the first meeting on this issue since May 2004. The Georgian and Abkhaz delegations were led, respectively, by Giorgi Khaindrava, the Minister for Conflict Resolution of Georgia, and Sergei Shamba, the de facto Abkhaz Minister of Foreign Affairs. During the discussion, the parties agreed on the need to reconfirm, in the light of the change of leadership on both sides over the last two years, their commitment to the non-resumption of hostilities and for the safe and dignified return of internally displaced persons and refugees, in the first instance to the Gali district in its old borders, as affirmed in the Yalta Declaration of the Georgian and Abkhaz sides (see S/2001/242, annex, and S/2001/401, para. 6). They discussed a draft joint document on the non-resumption of hostilities, which had been prepared by the Georgian side, and enhanced by comments from the Abkhaz side. At the margins of the meeting, they also discussed and confirmed their readiness to accept the proposals prepared by the Office of the United Nations High Commissioner for Refugees (UNHCR) on the registration of returnees in the Gali district and its strategy paper for returns (see S/2005/453, para. 5).

7. At the meeting on 4 August, the sides also addressed maritime security issues (see S/2004/822, para. 8) and, notwithstanding their differences, reconfirmed their commitment to the 1994 Moscow agreement, the need to refrain from the threat or use of force and to seek solutions through negotiations, involving international expertise as required. They agreed to continue discussions on maritime issues and to submit their views and proposals to UNOMIG prior to the next meeting, tentatively planned for late October.

8. Subsequently, on 10 August, the Tbilisi-based Ambassadors of the Group of Friends visited Sukhumi to discuss the results of the meeting on security guarantees and to encourage the Abkhaz leadership to engage meaningfully on the priority areas of the peace process. They also supported efforts by my Special Representative to reach agreement with the Abkhaz side on the modalities for the opening of a human rights sub-office in Gali (see S/2001/59, annex II) and

deployment of UNOMIG civilian police officers in the Gali sector (see S/2003/751, para. 19). The Abkhaz side, however, was still not ready to move on these two issues and, likewise, restated its position on the issue of status, citing its unilateral proclamation of independence of 1999 (see S/1999/1087, para. 7).

9. As a follow-up to the meetings of the so-called Sochi working group on the rehabilitation of the Sochi-Tbilisi railway on 15 June in Moscow and on 2 July at UNOMIG sector headquarters in Gali (see S/2005/453, paras. 5 and 6), the Mission helped to arrange two expert-level meetings in Tbilisi and Sukhumi, on 11 and 19 July, respectively, to discuss further the modalities of the technical survey of the Psou-Inguri section of the railway.

10. Following these meetings, Russian and Abkhaz specialists commenced the survey on 10 August. However, contrary to what had been agreed, Georgian experts were not able to join as the Abkhaz side denied clearance for their participation on the ground that some of them were internally displaced persons. Following further discussions, facilitated by my Special Representative, Georgian experts are now expected to join Abkhaz and Russian experts later in October to finalize the survey work.

11. The resolution of the question of the composition of the expert group for the railroad survey paved the way for the meeting of the Sochi working group on the return of internally displaced persons and refugees that took place in Sochi on 6 and 7 October under the chairmanship of the Russian Federation and with the participation of my Special Representative and UNHCR. At the meeting the parties endorsed, in principle, the UNHCR approach to the return of refugees and internally displaced persons and its planned activities for the next two years. They also discussed modalities of the envisaged registration of the returnees in the Gali district as well as the issue of language of instruction in the schools there.

12. Between December 2004 and June 2005, the Ministry of Refugees and Accommodation of Georgia, with financial and technical support from UNHCR, verified the number of internally displaced persons in Georgia. According to the results, which were made public on 25 August, the number of internally displaced persons in Georgia had decreased since November 2004 from 241,032 to 214,018, with 201,634 of them being from Abkhazia, Georgia.

13. In other developments, the Georgian side protested the large-scale Abkhaz military exercises held from 15 to 19 August, drawing attention to the impact of what it called the militarization of and outside support for such activities in the conflict-ridden regions of Georgia. For its part, the Abkhaz side continued to question the peaceful intentions of Tbilisi and reiterated its intention to seek closer relations with the Russian Federation. In his statement to the General Assembly on 15 September, President Saakashvili appealed to the United Nations to put an end to "the forcible annexation of Abkhazia" and expressed his hope that Georgia and the Russian Federation would cooperate in the peaceful settlement of conflicts in Georgia. On 11 October, the Parliament of Georgia adopted a resolution providing for the possible start of the withdrawal of peacekeeping forces from the Georgian-South Ossetian and Georgian-Abkhaz conflict zones during 2006.

14. From 7 to 11 September, UNOMIG facilitated a visit to Sukhumi by a team from the International Atomic Energy Agency (IAEA) to inspect the storage of radioactive material at the Institute of Physics and Technology and the Research

Institute of Experimental Pathology and Therapy. The Georgian and the Abkhaz sides welcomed the IAEA inspection and expressed their readiness for further cooperation with IAEA, which could contribute to building confidence between them.

III. Operational activities

15. UNOMIG military observers continued to perform their mandated tasks by conducting daily ground patrols and liaison with local authorities and coordinating with the collective peacekeeping force of the Commonwealth of Independent States (CIS), as well as law enforcement agencies from both sides.

16. During the reporting period, three violations of the 1994 Moscow Agreement on a Ceasefire and Separation of Forces were reported on the Abkhaz side of the ceasefire line. Two of them were restrictions of movement for UNOMIG patrols by Abkhaz soldiers, on 16 July at an observation post in the restricted weapons zone and on 2 August at the main Inguri river bridge. The third violation was the presence of six tanks and several artillery pieces during the Abkhaz military exercises in August (see para. 13 above) in the Ochamchira training area, which partially overlaps the restricted weapons zone; UNOMIG had been notified in advance and its military observers were present intermittently during the exercise. In addition, on 29 July, UNOMIG issued a violation report for the establishment of an Abkhaz "taxation" post 50 metres from a CIS peacekeeping force checkpoint in violation of the 12 May 2005 Gali Protocol (see S/2005/453, para. 4).

17. The weekly quadripartite meetings allowed the two sides, together with UNOMIG and the CIS peacekeeping force, regularly to discuss security-related matters in the zone of conflict. Among other matters, the meetings addressed the Abkhaz detention on 20 July of 19 residents from both sides of the ceasefire line on charges of illegally crossing the line and wood cutting. Seven ethnic Abkhaz detainees were released within a few days, and the others on 24 September, following a trial held in Gali. They also discussed the Abkhaz military exercise and the delimitation of the restricted weapons zone. In addition, they took up the detention by the Georgian police, on 12 and 31 August, of trucks from the CIS peacekeeping force transporting goods from the Abkhaz side of the ceasefire line. The CIS peacekeeping force protested the seizures as a violation of its freedom of movement. These cases were also subject of investigations by the Joint Fact-finding Group, which is composed of the two parties, UNOMIG and the CIS peacekeeping force, and is tasked to establish whether violent incidents constitute violations of the 1994 Moscow agreement. During the period under review, the Group investigated three new cases and concluded the investigation of three other cases. For two of them, the motives could not be established, whereas the third was assessed as criminal in nature.

Gali sector

18. The military situation in the Gali sector remained generally calm. During the reporting period two Abkhaz militia posts and four security posts were newly established in the lower Gali area. However, despite this increased presence, the hazelnut harvest season led to an upsurge in criminal activities, including 3 shooting incidents, 1 killing, 4 abductions and 40 armed robberies. Heightened tension was

observed among the local population in response to illegal tax collection and extortion by de facto Abkhaz officials. Following the conclusion of the hazelnut harvest, the crime rate receded.

Zugdidi sector

19. The military situation in the Zugdidi sector remained relatively calm. During the reporting period, 1 shooting, 14 robberies, 3 abductions and 1 demonstration were recorded. On 9 July, a UNOMIG vehicle was damaged by a stone thrown by a local resident in Zugdidi town. A number of incidents during the reporting period indicate friction between the CIS peacekeeping force and the Georgian side, including the detention of trucks from the CIS peacekeeping force (see para. 17), the temporary detainment of a CIS peacekeeping force soldier, the installation of electricity meters at CIS peacekeeping force checkpoints and a demonstration protesting the presence of the CIS peacekeeping force in Georgia. Georgia also criticized the CIS peacekeeping force for delaying humanitarian aid lorries en route to the upper Kodori Valley at its checkpoints. On 26 August, a small arms and ammunition cache was discovered by the police in the village of Pirveli Maisi in the restricted weapons zone.

Kodori Valley

20. The situation in the Kodori Valley remained unchanged. On 22 September, UNOMIG and the CIS peacekeeping force conducted a joint patrol in the Abkhaz-controlled lower Kodori Valley and reported the situation there as calm. Patrolling of the upper Kodori Valley remained suspended pending the provision of adequate security guarantees from the Georgian side. Negotiations continue with the Georgian authorities to ensure the resumption of patrols to the upper Kodori Valley as soon as possible.

IV. Policing issues

21. The UNOMIG police component continued to operate on the Zugdidi side of the ceasefire line and maintained good cooperation with local law local enforcement agencies there. The de facto Abkhaz authorities remained reluctant to allow the deployment of UNOMIG police advisers on the Gali side of the ceasefire line, which continued to hamper cross ceasefire line cooperation, hinder progress in criminal investigations and limit the effectiveness of preventive anti-crime efforts. UNOMIG police, however, continued to contribute to the weekly quadripartite meetings and investigations of the Joint Fact-Finding Group, including by providing forensic assistance.

22. During the reporting period, UNOMIG police concentrated on on-the-job field training for police officers on the Zugdidi side. In addition, it held various training courses and facilitated courses by outside experts. It also continued its participation in working groups on crime prevention and assisted in the foundation of an Association of Women Police in the region. UNOMIG handed over to the Zugdidi law enforcement agencies equipment donated by the Government of Switzerland, with a similar amount of equipment being reserved for the Gali law enforcement agencies.

V. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

23. Close cooperation between UNOMIG and the CIS peacekeeping force continued through regular liaison visits, the weekly quadripartite meetings, information exchanges and joint patrols. UNOMIG also cooperated with the CIS peacekeeping force in a demining operation in Ochamchira on 2 August. The Mission and the peacekeeping force conducted joint patrols on 5 July in the Gali district, on 21 August in the Zugdidi sector (together with the Georgian side) and on 22 September in the lower Kodori Valley. In an effort to enhance its capability to respond to emergencies, the CIS peacekeeping force held command and staff exercises from 13 to 16 September.

VI. Human rights and the humanitarian situation

24. The United Nations human rights office in Abkhazia, Georgia, continued to implement its programme for the protection and promotion of human rights (see S/1996/284, annex I). Within its protection mandate, the office gathered information from victims, witnesses and other reliable sources and followed up on individual cases in areas of due process, impunity, treatment of detainees, involuntary disappearances, forced labour, arbitrary evictions and property rights violations. The office faced increasing difficulties during its regular monitoring visits to detention centres and on a number of occasions human rights officers were denied access to detainees. When access was granted, the office observed substandard conditions, in particular in pre-trial custody. The office continued to monitor court trials and provide legal advisory services to the local population.

25. The de facto Abkhaz authorities, despite earlier positive indications, have not yet agreed to the opening of a UNOMIG human rights sub-office in the town of Gali, which would enhance the ability of the office to protect the human rights of the local population, including returnees, in the zone of conflict.

26. In fulfilling its capacity-building mandate, the human rights office, in cooperation with a local non-governmental organization (NGO), completed a project aimed at raising awareness of children's rights, funded by Switzerland. The office continued to cooperate with other international partners, such as OSCE and the European Commission, in facilitating and promoting their human rights activities aimed at building capacity in the civil society.

27. With the commencement of the new school year, the issue of the language of education in the Gali district came once again to the forefront. At the end of August, the de facto Education Department of the Gali district instructed school directors to use the Russian language in all grades. Some of the native Georgian teachers, who could not meet this requirement, had to leave and no new Russian-speaking teachers were recruited. Thus, with reduced staff, some of the schools in the Gali district were able to provide only the bare minimum of education.

28. United Nations agencies and international and non-governmental organizations continued to assist vulnerable groups affected by the conflict on the Abkhaz side of the ceasefire line. In health and education sectors, the United Nations Children's Fund (UNICEF) continued to provide medicine, testing kits and equipment to

Abkhaz hospitals, as well as implement free health services and a tuberculosis treatment programme. The World Food Programme continued to provide food assistance in connection with the tuberculosis programme of Médecins sans frontières. The United Nations Development Programme (UNDP), in cooperation with UNOMIG, completed preparatory work for a rehabilitation and economic recovery programme, and for the support to public health and basic services, in the Gali, Tkvarcheli, Ochamchira and Zugdidi districts, including establishing an information centre to improve coordination of assistance provided by international and local organizations. This is part of a joint UNOMIG-UNDP programme funded by the European Commission (see para. 30 below). UNHCR and UNICEF continued to rehabilitate schools and distributed educational materials with the assistance of UNOMIG. The United Nations Volunteers programme distributed educational materials, including on language, computer and business education, as well as for education in basic humanitarian law. OSCE provided training to Georgian and Abkhaz language teachers. International NGOs, such as Première Urgence, Accion contra el Hambre, the Norwegian and Danish Refugee Councils and World Vision, carried out small-scale rehabilitation and community development projects. The International Committee of the Red Cross was also active in the area, as was the NGO Conciliation Resources, which organized a summer university course on international affairs and conflict resolution in Pitsunda.

29. UNOMIG contributed to the efforts aimed at improving the living conditions of the conflict-affected local population through its quick-impact projects and related activities. During the reporting period, contributions for this purpose were made by the United Kingdom, Finland, Italy and the Netherlands. The increased participation of the local authorities on both sides of the ceasefire line in the implementation of these projects was particularly noticeable in recent months.

30. On 30 September, my Special Representative, the Head of the European Commission delegation to Georgia and Armenia and the UNDP Resident Representative in Georgia signed a memorandum of understanding on the funding and implementation of the two-year rehabilitation programme for the Gali, Tkvarcheli, Ochamchira and Zugdidi districts. The programme is funded by the European Commission with a budget of 3.8 million euros. Its first phase will comprise rehabilitation projects in the health and infrastructure sectors to be implemented by UNOMIG and UNDP. UNOMIG also assisted other potential donors to carry out needs assessments for additional contributions in health, education and infrastructure sectors within the zone of conflict.

VII. Support issues

31. A long-standing issue was brought to conclusion when the Parliament of Georgia ratified on 16 July the supplemental agreement to the 1994 Status of Mission Agreement between the United Nations and the Government of Georgia. The agreement exempts UNOMIG from the payment of air navigation and other related charges, such as landing and parking fees, and is expected to prevent interruptions to the Mission's operational flights.

32. Starting on 1 September, the Government of Georgia closed the airport at Senaki for UNOMIG flights because of other governmental requirements. Georgia offered an alternative airport, near Kutaisi, which is farther away from the

UNOMIG area of operation and would have substantially increased flying time and mission support costs. After consultations between my Special Representative and Georgian representatives, including with President Saakashvili, UNOMIG was notified on 15 September that it would be able to use Senaki airport until the end of 2005, during which time some other mutually acceptable solution would be developed.

33. The Mission continued to raise awareness among staff of relevant United Nations rules and regulations on the prevention of sexual exploitation and abuse. In particular, it conducted extensive training in all locations, strengthened its focal point network and maintained close contact with the relevant Secretariat offices in New York.

VIII. Observations

34. The United Nations is committed to assisting the efforts of the Georgian and Abkhaz sides to build confidence between them and to help them advance towards a lasting and comprehensive political settlement. In this connection, the resumption of dialogue between the two sides in the three priority areas of the peace process, in particular on security matters, is a welcome development. It is to be hoped that the sides will be able to reach a high level reconfirmation of their commitments to the non-resumption of hostilities and to the safe and dignified return of internally displaced persons and refugees. Such a commitment would reinvigorate the negotiation process and help sustain the renewed dialogue, which remains uneven. The continuing engagement of the Group of Friends in support of my Special Representative and UNOMIG continues to be invaluable.

35. At the same time, it is essential that the resumed dialogue between the parties translate into tangible improvements on the ground. Concrete progress in the peace process is contingent on the political will of the sides and their ability to credibly commit themselves without preconditions. Both sides need to refrain from actions or statements which are detrimental to emerging opportunities for pragmatic progress in the peace process. I urge the Georgian side to address the Abkhaz security concerns and urge the Abkhaz side to meet practical and security concerns of the local population in the Gali district. I particularly urge the Abkhaz side to honour its previous commitments and to allow the opening of a human rights sub-office in Gali, to permit the teaching of local youth in their native Georgian language and to accept the deployment of UNOMIG police officers in the Gali district.

36. The security of United Nations personnel remains a primary concern, and I once again urge both sides to ensure the safety and security of UNOMIG personnel throughout the zone of conflict. There is no better way to demonstrate this commitment than by identifying and bringing to justice the perpetrators of criminal acts against UNOMIG and its personnel, including those responsible for the shooting down of a UNOMIG helicopter in the Kodori Valley in October 2001, the ambush of a UNOMIG bus in Sukhumi in September 1998 and various hostage-takings over the past years. Viable security guarantees by both sides are also important in order to allow the Mission to resume regular patrolling throughout the Kodori Valley, which remains an essential part of the UNOMIG mandate.

37. In conclusion, I would like to commend my Special Representative, Heidi Tagliavini, for her leadership of UNOMIG and her untiring efforts to facilitate a comprehensive settlement of the conflict. I am also grateful to the Chief Military Observer, Major General Niaz Muhammad Khan Khattak, and all the men and women of UNOMIG for their consistent and courageous efforts, in what is often a precarious and volatile environment.

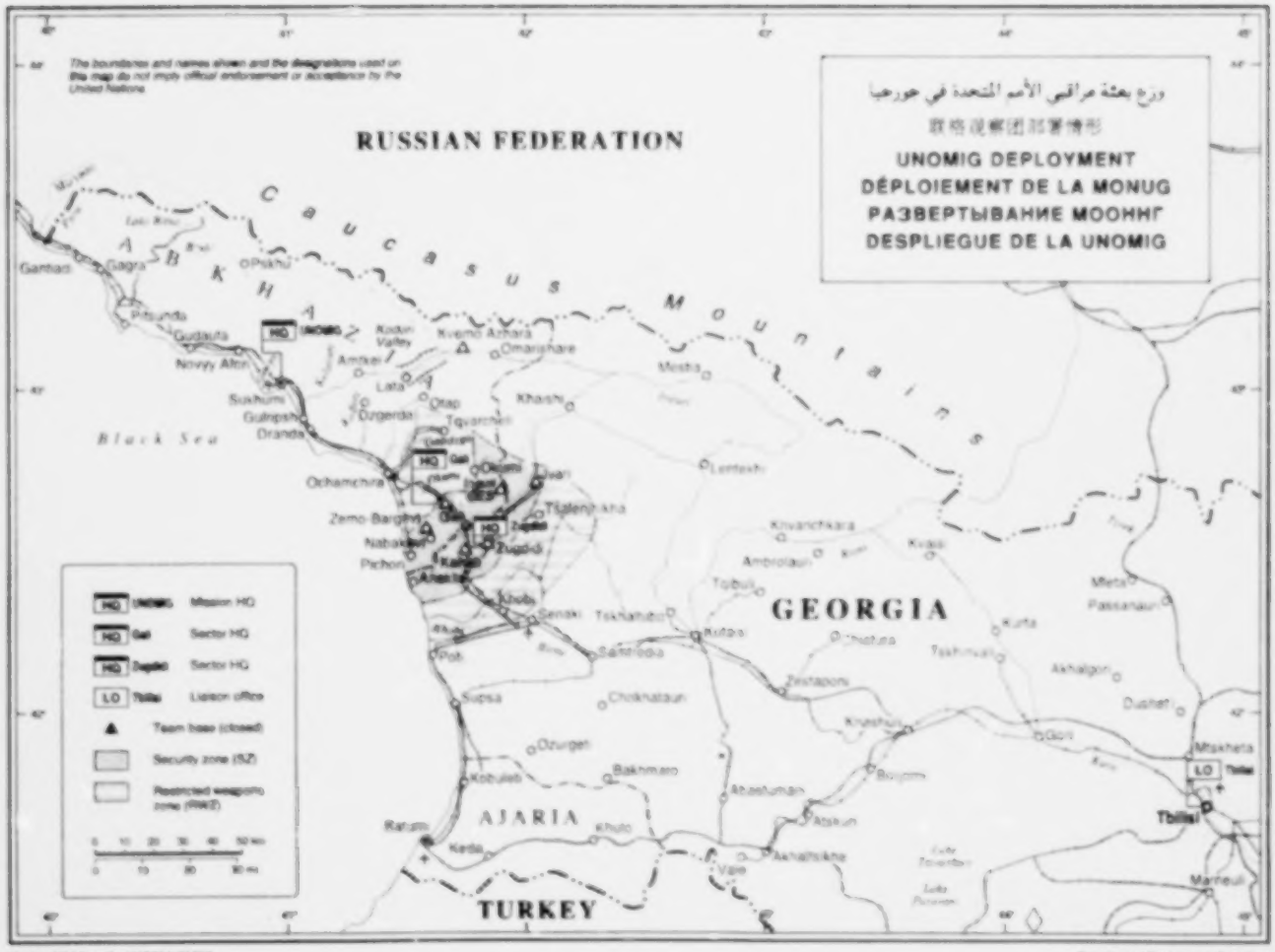
Annex

Countries providing military observers and civilian police personnel (as at 1 October 2005)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	7
Croatia	1
Czech Republic	5
Denmark	5
Egypt	5
France	3
Germany	12
Greece	5
Hungary	2
Indonesia	4
Jordan	8
Pakistan	9[a]
Poland	5
Republic of Korea	7
Romania	1
Russian Federation	3
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**121**

[a] Including the Chief Military Observer

Country	*Civilian police personnel*
Germany	3
Ghana	1
Hungary	1
India	1
Poland	1
Russian Federation	2
Switzerland	3
Total	**12**



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